

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

AN ORDINANCE Adopting the
Snohomish County Shoreline
Management Program Resource
and Aquatic Designations and
Program Policies and
Regulations as Interim
Designations for the Smith
Island Municipal Annexation
Area, amending Ordinance No.'s
2600-02, 2021-94 and 1671-89
(as amended)

Briefing
Consent
Action
First Reading
Second Reading
Third Reading
Public Hearing

COUNCIL BILL #
Originating Dept.
Contact Person
Phone Number
FOR AGENDA OF

CB 1607-33
Planning
Allan Giffen
425-257-8725
July 27, 2016

Initialed by:
Department Head
CAA
Council President

db

Location

Smith Island, west of
Union Slough, south
of 12th Street

Preceding Action

Planning Commission Hearing
and Recommendation on
8/4/2015

Attachments

Ordinance

Department(s) Approval

Legal, Planning

Amount Budgeted	N/A	
Expenditure Required	N/A	
Budget Remaining	N/A	
Additional Required	N/A	

DETAILED SUMMARY STATEMENT:

The Planning Commission has recommended adopting Snohomish County Shoreline Management Program Resource and Aquatic designations as interim designations for the Smith Island Municipal Annexation area. The proposal also includes adoption and application of the Snohomish County's Shoreline Management Program Policies and Regulations to this area until such time as the City can update the City's Shoreline Master Program.

RECOMMENDATION (Exact action requested of Council):

Adopt an Ordinance Adopting the Snohomish County Shoreline Management Program Resource and Aquatic Designations and Program Policies and Regulations as Interim Designations for the Smith Island Municipal Annexation Area, amending Ordinance No.'s 2600-02, 2021-94 and 1671-89 (as amended).

ORDINANCE NO. _____

AN ORDINANCE Adopting the Snohomish County Shoreline Management Program Resource and Aquatic Designations and Program Policies and Regulations as Interim Designations for the Smith Island Municipal Annexation Area, amending Ordinance No.'s 2600-02, 2021-94 and 1671-89 (as amended)

WHEREAS, the City of Everett is provided authority to annex contiguous unincorporated territory pursuant to RCW 35.13.180; and

WHEREAS, Snohomish County Council reviewed the City's request for expansion of the Urban Growth Area (UGA) for properties on Smith Island and passed Ordinance 14-131 on June 10, 2015 amending the City's UGA to include the subject property; and

WHEREAS, WAC 173-26-160 requires local governments to amend their shoreline master programs to address newly annexed areas within one year of annexation, but until the master program is amended any decision on an application for a shoreline permit in the annexed shoreline area shall be based upon compliance with the master program in effect for the area prior to annexation; and

WHEREAS, on July 29, 2015 the City's Responsible Official issued a Notice of Adoption of Snohomish County's Final Environmental Impact Statement for Snohomish County's Shoreline Management Program update to meet the City's State Environmental Policy Act requirements for the proposal; and

WHEREAS, on August 4, 2015, the Planning Commission held a public hearing regarding establishing shoreline designations for the subject area upon annexation to the City and recommended that City Council adopt Resource and Aquatic designations as interim designations for the Smith Island Municipal Annexation Area; and

WHEREAS, the goals and policies of Shoreline Management / Master Programs are also part of the Comprehensive Plan and the regulations in Shoreline Management / Master programs are also part of the City's zoning regulations; and

WHEREAS, on July 29, 2015 City Council passed Resolution 6882 stating the Council's intent to annex to Everett unincorporated Snohomish County Territory on Smith Island and City

Council did conduct a public hearing on September 9, 2015, for the proposed annexation, for which proper notice of hearing was provided; and

WHEREAS, THE CITY COUNCIL FINDS:

1. The purpose for the proposed interim amendments to the Shoreline Master Program, Comprehensive Plan and Zoning are to address a newly annexed area of City-owned land on Smith Island adjacent to larger restoration / mitigation areas, providing for the subject area's management needs and allowing the provision of public safety services to the property.
2. The proposed interim designations, goals, policies and regulations are the same as that in Snohomish County's existing Shoreline Management Program and will be used for permitting purposes until such time as the City updates the Shoreline Master Program.
3. The proposed interim designations, goals, policies, and regulations are generally consistent with the City's Comprehensive Plan.
4. The amendments will not create pressure to change the designations of other properties in the vicinity.
5. The proposal bears a substantial relation to public health, safety or welfare.
6. The proposal promotes the best long-term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1: Shoreline Master Program. The Snohomish County Shoreline Management Program is hereby adopted to apply to the Smith Island Municipal Annexation area, amending Ordinances 2600-02 (Shoreline Master Program), as amended, Ordinance 2021-94 (Comprehensive Plan), as amended, and Ordinance 1671-89 (Title 19 EMC), as amended until such time as the City updates the Shoreline Master Program.

Section 2: Shoreline Master Program Designations. The Shoreline Master Program designation for that portion of the West Half of the NW Quarter of Section 15, Township 29 North, Range 5 East, W.M. lying west of the ordinary high water mark of Union Slough and shown on Exhibit "A" attached hereto and incorporated herein by reference is Resource Environment, and the Shoreline Master Program designation for that portion of the West Half of the NW Quarter of Section 15, Township 29 North, Range 5 East, W.M. lying east of the ordinary high water mark of Union Slough to the mid-channel of Union Slough and shown on Exhibit "A" attached hereto and incorporated herein by reference is Aquatic Environment, until such time as the City updates the Shoreline Master Program.

Section 3: Severability. Should any section, paragraph, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or

regulations, this shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4: Conflict. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 5: Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 6: General Duty. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provisions or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Ray Stephanson, MAYOR

ATTEST:

Sharon Fuller, CITY CLERK

Passed: _____

Valid: _____

Published: _____

Effective Date: _____

Exhibit A
Smith Island Municipal Annexation Area Shoreline Master Program Designations



